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Division

14 Offences against justice procedures and orders

Australian and New Zealand Standard Offence Classification (ANZSOC)

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Description

Offences against justice orders and procedures are acts or omissions that inhibit, hinder, or harm the administration of justice. This includes acts or omissions occurring during justice processes, or as breaches of court-ordered sentencing.

Subdivision

141 Breach of restraining order

Description

This subdivision includes acts or omissions that breach the conditions of a restraining or intervention order that has been implemented for the purposes of protection, including family or domestic violence, interpersonal and workplace restraining orders. Where the breach is also an offence, the substantive offence should be coded separately.

Where it is unknown whether the order breached is a violence order or non-violence order, code to 1410 Breach of restraining order, not further defined.

1411 Breach of restraining order – violence

This group is for acts or omissions breaching the conditions of a restraining order that related to violence.

Where the breach is also an offence, the substantive offence should be coded separately.

Inclusions:

- Breach of other restraining orders relating to violence
- Breach or contravene a domestic violence order, family violence order, family violence restraining order, protection order, or similar
- Breach or contravene an intervention or restraining order relating to violence

Exclusions:

- Breach of restraining orders – non-violence – coded to 1412 Breach of restraining order – non-violence

1412 Breach of restraining order – non-violence

This group is for acts or omissions breaching the conditions of restraining orders other than a violence order.

Where the breach is also an offence, the substantive offence should be coded separately.

Inclusions:

- Breach or contravene a restraining order that is not a violence order, such as a misconduct order, or similar

Exclusions:

- Acts that are a criminal offence independent of a restraining order, such as assault – coded to the group relevant for the offence
- Breach a control order or other restriction related to national security – coded to 1519 Offences against national security, nec
- Breach a sentencing order including restrictions relating to specific people or places – coded to the relevant group in 144 Breach of sentencing orders

Subdivision

142 Offences against justice procedures

Description

This subdivision includes offences that inhibit, hinder, interfere with, or harm justice processes.

1421 Subvert the course of justice

This group includes acts with the intent of misleading or impeding lawful justice proceedings.

Inclusions:

- Breach court disclosure laws
- Conspiracy to obstruct justice
- Deceive or threaten a witness
- Destroy or damage evidence
- Dishonestly attempt to influence a witness, juror, or justice official
- Fabricate or use fabricated evidence
- False testimony or perjury
- Prevent witness from attending court
- Unlawful oath
- Other offence relating to subverting the course of justice

Exclusions:

- Contempt of court not involving the perversion of justice proceedings – coded to 1429 Offences against justice procedures, nec
- Impersonate a justice official – coded to 1519 Offences against national security, nec

1422 Resist or hinder a police officer or justice official

This group is for offences that intend to intentionally block, hinder, or otherwise negatively interfere with the work of a police officer or justice official.

Inclusions:

- Fail to comply with the direction of an authorised police officer or justice official
- Fail to state name or address when requested by a police officer or justice official
- Give false name to a police officer or justice official
- Hinder actions or intent of a police officer or justice official in the course of their work
- Refuse preliminary breath test or drug test while driving
- Resist arrest, excluding where assault occurs
- Other offences relating to resisting or hindering a police officer or justice official

Exclusions:

- Assault a police officer or justice official – coded to the relevant group within 022 Assault of a prescribed officer
- Make a false statement in a warrant or execute a non-authorised warrant as a police officer – coded to 1429 Offences against justice procedures, nec
- Resist or hinder a member of the Australian or New Zealand defence force – coded to 1519 Offences against national security, nec

1429 Offences against justice procedures, nec

This group includes offences against justice procedures not elsewhere classified.

Inclusions:

- Accessory before or after the fact, where offence is not specified
- Contempt of court, not involving the perversion of justice proceedings, such as interrupting or disrupting court proceedings
- Fail to appear before court, excluding breach of bail
- Make a false report to police
- Make a false statement in a warrant or execute a non-authorised warrant as a police officer
- Other offences against justice procedures not elsewhere classified

Exclusions:

- Abscond whilst on bail – coded to 1451 Breach of bail
- Accessory before or after the fact, where the offence is specified – coded to the relevant offence
- Give false name to a police officer or justice official – coded to 1422 Resist or hinder a police officer or justice official
- Obstruct or pervert the course of justice – coded to 1421 Subvert the course of justice

Subdivision

143 Escape custody

1430 Escape custody

Escaping custody includes offences where a person who was in lawful custody regains their liberty unlawfully, and where a person assists a detainee in escaping.

Inclusions:

- Breach or contravene a periodic detention order
- Conspiracy to escape legal custody
- Escape prison, detention, remand, secure hospital detention or other lawful custody
- Fail to return to a custodial transition centre
- Free a person from lawful custody without authority
- Knowingly harbour or aid an escapee
- Permit escape from lawful custody without authority
- Other offences relating to escape from custody

Exclusions:

- Breach bail conditions – coded to 1451 Breach of bail
- Breach parole conditions – coded to 1453 Breach of parole
- Breach home detention order – coded to 1441 Breach of home detention

Subdivision

144 Breach of sentencing orders

1441 Breach of home detention

This group includes breaches of home detention.

Inclusions:

- Breach home detention order or condition

Exclusions:

- Breach or contravene bail requirements – coded to 1451 Breach of bail
- Fail to return to a custodial transition centre – coded to 1430 Escape custody

1442 Breach of community-based sentencing order

This group includes the breach of any community-based sentencing orders, or conditions imposed as part of a sentence.

Inclusions:

- Breach community service order, good behaviour bond, other bond, education or training order, probation order, supervision order, reporting order, suspended sentence requirements, treatment order, rehabilitation order (excluding in a secure facility), work order, monetary order, family court recovery order, or any other community-based sentencing order or condition.

Exclusions:

- Breach a rehabilitation or other treatment order in a secure facility – coded to 1430 Escape custody
- Breach parole conditions – coded to 1453 Breach of parole

1443 Breach of sex offender requirements

This group is for offences where a registered sex offender breaches the obligations of being listed on a sex offender or child protection register.

Inclusions:

- Apply for or engage in child-related employment
- Apply to change name without permission
- Breach conditions of order such as failing to keep police informed of whereabouts
- Fail to comply with sex offender reporting obligations or any conditions
- Fail to disclose a registrable offence charge to an employer
- Travel overseas while on sex offender register
- Other breaches of sex offender requirements

Exclusions:

- Breach parole conditions – coded to 1453 Breach of parole
- Sexual offences committed while on the register – coded to relevant groups within 03 Sexual offences

1449 Breach of sentencing orders, nec

This group includes breaches of other sentencing orders given by a court, not elsewhere classified.

Inclusions:

- Other breach of sentencing order not elsewhere classified

Exclusions:

- Breach a treatment order or rehabilitation order at an outpatient facility – coded to 1442 Breach of community-based sentencing order
- Breach suspended sentence requirements – coded to 1442 Breach of community-based sentencing order

Subdivision

145 Offences against other justice orders and regulations

Description

This subdivision includes offences against other justice orders that are not elsewhere classified.

1451 Breach of bail

This group is for acts or omissions that breach the conditions of a bail order.

Inclusions:

- Abscond whilst on bail
- Fail to comply with the conditions of bail
- Fail to notify change of address whilst on bail
- Give false information when applying for bail or a bail variation
- Other breach of bail

Exclusions:

- Acts that are a criminal offence independent of a breach of bail, such as assault – coded to the groups relevant for the offence
- Breach parole conditions – coded to 1453 Breach of parole

1452 Prison regulation offences

This group is for offences that contravene rules or regulations within prisons or detention centres.

Inclusions:

- Contravene institutional order or regulation
- Mutiny or riot by a prisoner
- Possess or sell contraband
- Other prison regulation offences

Exclusions:

- Assault of a prison officer – coded to 0222 Assault of other prescribed officer
- Assault of a prisoner – coded to the relevant groups within 02 Assault
- Escape from a custodial facility – coded to 1430 Escape custody

1453 Breach of parole

This group is for offences whereby a parolee breaches the conditions of parole.

Inclusions:

- Fail to comply with conditions of a parole order
- Fail to report to parole officer
- Other breach of parole order

Exclusions:

- Acts that are a criminal offence independent of a parole order, such as assault – coded to the group relevant for the offence
- Breach periodic detention – coded to 1430 Escape custody
- Breach suspended sentence conditions – coded to 1442 Breach of community-based sentencing order

1459 Offences against other justice orders and regulations, nec

This group is for offences against other justice orders and regulations not elsewhere classified.

Inclusions:

- Offences against other justice orders and regulations, not elsewhere classified

Exclusions:

- Breach of sentencing orders not elsewhere classified – coded to 1449 Breach of sentencing orders, nec